



State Senator

**Neal J. Kedzie**

11th Senate District

**Senate Bill 389**  
**Testimony of Senator Neal Kedzie**  
**Assembly Committee on Health and Healthcare Reform**  
**March 3, 2010**

Chairman Richards, members of the Committee, thank you for holding a hearing today on Senate Bill 389. As you may know, the Wisconsin School for the Deaf – the only such school in the State of Wisconsin – is located within my district, in Delavan. Over the years, I have come to know the administrators, teachers, students, and families connected with the school, and on their behalf, I offer this bill and believe it is necessary to ensure those who offer deaf interpreting services provide the best quality service.

Senate Bill 389 specifies that no person may, for compensation, provide sign language interpretation services for a client unless they are licensed by the Department of Regulation and Licensing. To obtain a renewable license, interpreters will need either an associate degree or a certificate of completion of an education and training program in interpreting, as well as be nationally certified. Exemptions to the bill exist, specifically for court and educational interpreters – both of which are already licensed by the state – support service providers, interpreters in religious settings, and individuals who may provide interpretation services in the course of their employment during an emergency, such as a police officer or a fire fighter.

The bill also creates a Sign Language Interpreter Council to assist the Department of Regulation and Licensing on the implementation of this legislation, should it become law. The Council would have the ability to grant special circumstance exemptions in situations where it believes an exemption is needed. The creation of the Council is a vital component to the bill, as it will provide members of the deaf community a greater ability to be involved in the governance and administration of the bill, and serve as a clearinghouse, of sorts, where they may petition for additional exemptions or changes to the law, if enacted.

Senate Bill 389 is the collaboration of many years of work by a number of individuals, many of whom are in this room today. In 2003, I introduced similar legislation that passed the State Senate. Following that action, some concerns were brought to my attention, most of which centered around a potential shortage of interpreter services, especially in rural and Northern Wisconsin, if the original bill were enacted into law. Recognizing that concern, I felt it prudent to put this legislative effort on hold until such time when consensus could be reached and that concern could be addressed.

Shortly thereafter, a Statewide Task Force on Interpreter Licensure was formed to facilitate a greater discussion within the deaf community. Town hall meetings were held across the state to both inform citizens regarding the details of the bill, as well as to listen to their questions and concerns. I am pleased to report the results of those Task Force meetings was very productive, and a number of changes to the original bill were made – most notably the creation of the Council and the additional exemptions – which appear before you today in Senate Bill 389. I am confident the bill has now garnered much broader support within the deaf community and addresses their concerns.

Senate Bill 389 is about quality. The deaf and hard of hearing community desperately wants Wisconsin to ensure that sign language interpreters are highly qualified and providing the highest quality of service. As with any language, sign language is extremely complex. It contains various forms (American Sign Language, Pidgin Signed English, Signed Exact English for instance), and the language skill level varies greatly from that of a child to that of an adult, much like the language skills of hearing individuals. Further, the skill sets required vary per setting, with different skills required for medical situations, legal settings, educational settings as well as social settings.

This is why Senate Bill 389 requires interpreters to obtain national certification, ensuring they receive training and experience in a wide variety of situations. The task force considered these issues, as well as the qualifications of interpreters from throughout the state. Senate Bill 389 is carefully crafted to provide a high level of qualifications for interpreters, but also to provide necessary exemptions were appropriate and necessary. Further, SB 389 allows time for current interpreters to improve their skills and obtain the necessary certification. I would encourage you to adopt Senate Bill 389 as written, and resist any attempt to weaken the requirements of the bill.

Thank you for your consideration of Senate Bill 389. I would be happy to answer any questions you may have.



# Mary Lazich

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Wisconsin State Senator  
Senate District 28

**Testimony of Senator Mary Lazich  
On 2009 Senate Bill 389  
Assembly Committee on Health and  
Healthcare Reform  
March 3, 2010**

Greetings, Committee Chair Richards and committee members. Thank you for granting a hearing, and thank you for the opportunity to provide testimony to the Assembly Committee on Health and Healthcare Reform about Senate Bill 389.

Senate Bill 389 is the Interpreter Licensure Bill that is greatly supported by deaf and hard of hearing groups.

Wisconsin is blessed to have many highly skilled and dedicated interpreters. We are grateful for their outstanding public service. However, without any minimum qualification requirements for interpreters, the state must ensure that individuals providing valuable interpretation to the deaf and hard of hearing possess the skills necessary to provide the highest level of service. Senate Bill 389 requires licensure of sign language interpreters.

Under the legislation, no person may provide, for compensation, sign language interpretation services for a deaf or hard of hearing client unless the person holds a license granted by the Department of Regulation and Licensing. Exemptions are made for the following: 1) a person interpreting in a court proceeding, if the person is certified



by the Wisconsin Supreme Court; 2) a person interpreting at a school or school sponsored event, if the person is certified by the Department of Public Instruction; 3) a person interpreting at a religious service or religious function; 4) a support service provider facilitating communication between an interpreter and an individual who is deaf or hard of hearing; and 5) a person interpreting in the course of employment during an emergency, for up to 24 hours.

A nine member Sign Language Interpreter Council would be established to advise the department about the practice of sign language interpreters. The council must make recommendations to the department regarding a code of ethics for interpreters and the department would then devise rules establishing a code of ethics for interpreters. Disciplinary proceedings against interpreters would be conducted by the department.

Privacy is an important issue addressed by Senate Bill 389 that stipulates a licensed interpreter may not disclose any aspect of confidential communication facilitated by the interpreter, unless all parties to the communication consent and a court determines that disclosure is necessary for the proper administration of justice.

The deaf and hard of hearing deserve to know that in serious areas like courtrooms or medical communities, they can trust their interpreters to perform skillfully and effectively. Senate Bill 389 that has wholehearted support from deaf and hard of hearing groups provides that all-important comfort level by ensuring interpreters are experts in their craft and are licensed appropriately.

**Jim Doyle**  
Governor

**Celia M. Jackson**  
Secretary

**WISCONSIN DEPARTMENT OF  
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**Issues Legislators Should Consider With  
Occupational Licensing**

Licensing is a process by which an agency of government grants permission to an individual to engage in a given occupation upon finding that the applicant has attained the minimal degree of competency required to ensure that the public health, safety and welfare will be reasonably well protected. When faced with the question of whether to license and regulate a particular occupation, here are some important general guidelines:

- Regulation should meet a public need.
- Government should provide only the minimum level of regulation.
- If an occupation is to be licensed, its scope of practice should be coordinated with existing statutes to avoid fragmentation and inefficiency in the delivery of services.
- Licensure laws should be fair and operate to protect practitioners and consumers alike.
- The regulatory structure and board composition should promote accountability and public confidence.

To better determine whether regulation is needed and what form it should take, consider these questions:

- What is the problem?
- Why should the occupational group be regulated?
- What efforts have been made to address the problems?
- Have alternatives to licensure been considered?
- Will the public benefit from regulation of the occupation?
- Will regulation be harmful to the public?
- How will the regulatory activity be administered?
- Who is sponsoring the regulatory program?
- Why is regulation being sought?

**Source:** Occupational Licensing: Questions a Legislator Should Ask, The Council of State Governments, 1978.

## Assembly Public Hearing Regarding SB-389, Interpreter Licensure Bill, 3/2/2010:

The purpose of interpreting is to facilitate communication between two or more parties who use different communication systems. The purpose of SB 389, the Interpreter Licensure Bill, is to ensure that deaf people have access to quality interpretation services. However, if enacted as currently written, SB 389 will fall short of its goal and may even have the opposite effect. By adding an additional licensure requirement and not recognizing the capabilities of currently licensed Educational Interpreters, the number of qualified interpreters in the state of Wisconsin will decrease, leaving many deaf consumers without any service at all.

The Department of Public Instruction (DPI) currently issues a license for sign language interpreters working in the school setting. This 884 license requires interpreters to have a minimum of an Associate's degree, and training through an Interpreter Training Program. Educational interpreters holding the DPI 884 license are trained professionals. To renew their license, they must complete additional coursework and undergo the Educational Interpreter Performance Assessment (EIPA) every five years. Educational interpreters have training and experience in working with children at all levels of language acquisition. They are skilled at developing attending skills in children and guiding children in learning to use an interpreter across all environments. Educational interpreters also work with deaf adults, especially in small, rural communities. The national Registry of Interpreters for the Deaf (RID) includes Educational Interpreters as a professional group within their organization.

SB-389, however, devalues the training and experience of educational interpreters by not recognizing that their skills are applicable outside of the school setting.

School programs work hard to ensure integration of children who are deaf/hard of hearing into a variety of experiences, and parents are strongly encouraged to include their deaf/hard of hearing children into community activities. Yet as written, educational interpreters will not be allowed to interpret activities that are not school-sponsored without an additional license granted through the Department of Regulation and Licensing. That means Educational Interpreters will no longer be allowed to take on interpreting assignments for the following types of activities in which children participate but are not school-sponsored:

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| <ul style="list-style-type: none"><li>• Driver's education – classes and behind the wheel training</li><li>• Hunter safety classes</li><li>• 4-H activities</li><li>• Community sports (traveling teams) – soccer, wrestling, basketball, volleyball, football, Little League baseball/softball</li><li>• Swimming lessons</li></ul> | <ul style="list-style-type: none"><li>• YMCA classes</li><li>• Boy/Girl Scout meetings</li><li>• Boys and Girls Club activities</li><li>• Library story hour</li><li>• Community theater</li><li>• Other community activities not sponsored by a school district</li></ul> |
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How will these parents and children secure interpreting services for their children, at the child's language level, if the pool of interpreters is significantly reduced due to the need for an additional license?

If one looks at the Office for Deaf and Hard of Hearing (ODHH) website for the Wisconsin Interpreter Freelance List, <http://dhs.wisconsin.gov/sensory/Interpreting/Wisconsin%20Freelance%20List.pdf>, one will see an obvious gap in availability of interpreters in rural areas (counties listed in the left column). Large cities have access to a choice of interpreters, but small communities in more rural areas do not have that luxury. Providing an interpreter in these small communities will require the DRL licensed interpreter to travel quite a distance. Looking at the ODHH website at the list of Interpreter Referral Agencies, <http://dhs.wisconsin.gov/sensory/Interpreting/terpagencies.htm>, one will note the locations listed are in major urban areas. If interpreter service is arranged through an interpreter referral agency, the portal-to-portal cost will be added to the expense charged, along with the standard two-hour minimum charge. At a basic agency rate of \$50 per hour, two hour minimum, each Hunter Safety class can cost a community group \$100, not including the travel time and costs. Many local community organizations and clubs will not be able to afford the cost of a DRL licensed interpreter to travel as well as pay for the interpretation time. With a qualified resource such as an educational interpreter available to interpret a Girl Scout meeting or swimming lessons after school, the need to bring in a different interpreter from a distance seems excessive and a poor use of fiscal resources. **More importantly, will the child watch/understand this unfamiliar interpreter and feel comfortable with a stranger?** It does not make sense for the State to demand such a situation when the child's educational interpreter, who works with the child daily and is familiar with his/her language and attending skills, is available to interpret the activity but not allowed due to the additional licensure restriction. It does not make sense for a nationally certified interpreter to travel two hours to interpret a weekly Girl Scout meeting or swimming lesson when the Educational Interpreter is possibly in the same building; that the Educational Interpreter, who has worked with the child all day, is no longer "qualified" to interpret this activity because the activity is not school-sponsored. It does not make sense that an educational interpreter, who can break down and successfully project the language of trigonometry, physics, biology, 6-Traits Writing, etc. is not "qualified" to interpret soccer practice, library story hour, or a karate class.

Recruiting Educational Interpreters to work in rural schools and communities has been always been a challenge. These interpreters rely on additional interpreting assignments for their livelihood. Many interpret locally for former graduates who live and work in their home communities, as well as local deaf adults with whom they have developed a relationship. This DRL license requirement would not allow this professional relationship to continue. One may simply suggest that the Educational Interpreters obtain the DRL license – no big deal. True, some may have the time and financial resources to do such. However, within this proposal, the DRL license has two levels: renewable and restricted. The restricted level can only be renewed twice. The renewable level requires national Registry of Interpreters for the Deaf (RID) certification. Therefore, educational interpreters, who already have training, experience, and are licensed professionals, must take additional coursework and training to secure national certification. Programs and trainings offered to obtain RID certification are very limited in rural areas. Instead,

Educational Interpreters would have to travel to urban areas, like Milwaukee, Madison or Minneapolis, on a regular basis to access coursework and experiences to meet these national certification standards. This will take away from their ability to take on additional interpreting assignments that they rely on for their livelihood, as well as diminish their time with clients, building professional relationships that foster the level of comfort our deaf/hard of hearing students and deaf community members expect with their interpreter.

The goal of SB-389 is to improve the quality of interpreters in the State of Wisconsin. This is a worthy goal, but the approach is excessive. By restricting interpreters who hold a valid DPI 884 license to only school and school-sponsored activities, this bill will reduce the number of interpreters available to the deaf community and impede families from teaching their deaf children that using an interpreter is a right by not allowing them to continue to build a relationship with local educational interpreters with whom they feel comfortable.

I propose that the amendment offered by Senator Luther Olsen be allowed for this bill. It allows educational interpreters to interpret in various situations without the additional DRL license and does not restrict them to school or school-sponsored activities only. The creation of a Department of Regulation and Licensing license can still proceed, but the DRL license would not be a mandatory requirement for all interpreters in every situation outside religious and school or school-sponsored settings. Those interpreters who choose to pursue the DRL license would be enhancing their skills to take on more intense interpreting assignments, just as teachers pursue master's degrees and medical professionals pursue specialty licenses. Interpreter referral agencies can make the DRL license a requirement for inclusion on their referral lists. However, the DPI 884 educational interpreter license would still be a recognized level of quality that would allow deaf children and their families, as well as deaf adults to continue to work with their local educational interpreters if they choose. This will ensure continued interpreter availability in rural areas and allow deaf citizens to continue to have a choice regarding with whom they chose to enter into a professional communication agreement.

Thank you for your consideration of my comments.

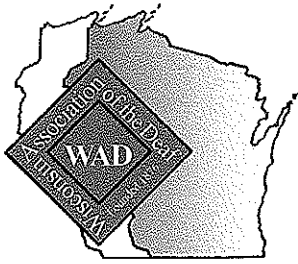
Respectfully submitted by:

Helen Grebel

Coordinator of Deaf/Hard of Hearing and Vision Services

CESA 6

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# Wisconsin Association of the Deaf

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March 3, 2010

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## Members of the Health and Healthcare Reform Committee;

The Wisconsin Association of the Deaf (WAD) is a nonprofit advocacy organization that advocates for all deaf, hard of hearing and deaf-blind citizens of Wisconsin. Many local organizations that serve the deaf, hard of hearing and deaf-blind people in Wisconsin are affiliated with WAD.

WAD would like to express its unequivocal and strong support for Senate Bill 389, which would require all sign language interpreters to register with the state to receive a license to work in the state of Wisconsin. Under this proposed bill, it would be necessary for all of the sign language interpreters to achieve a certain level of competency and professionalism in order to be registered and licensed by the state.

Sign Language is the preferred communication method for many deaf, hard of hearing and deaf-blind individuals. It is oftentimes necessary to have sign language interpreters in a variety of settings such as doctor's visit or job interview in order to facilitate effective communication. Proper translation in such settings are critical to both sign language users and service providers.

The American with Disabilities Act (ADA) requires access to effective communication for people that rely on sign language. Effective communication between sign language users and service providers in Wisconsin is *not* happening consistently and competently. This is due to the lack of regulations of any kind within the state defining what levels of professionalism and competency are required from all sign language interpreters.

There have been more than a few cases for more than a few years in this state where individuals who have taken only one or two conversational sign language courses have taken on full interpreting jobs. While they may mean well, they do a disservice to parties of all ages and communication of all types because of the guaranteed risk of miscommunication and unpredictability of serious consequences.

This bill will prevent such situations from occurring by requiring that all sign language interpreters be certified by the national Registry of Interpreters for the Deaf in order to be licensed to work in Wisconsin. With this law there will be assurances that certified and licensed sign language interpreters will have proper levels of professionalism and competency in all settings in Wisconsin. This includes requiring educational interpreters who are licensed by the DPI for the educational interpreting specialty to obtain a separate license from DRL in order to interpret outside of the educational setting.

The passage of this bill will mean that deaf, hard of hearing and deaf-blind people can be assured that sign language communication will be equitably translated through certified and licensed sign language interpreter during a doctor's appointment, a job interview or any other situation that requires interpreting.

If there are any questions you may have about the Wisconsin Association of the Deaf and our position, please feel free to contact me directly at [PresidentWAD@gmail.com](mailto:PresidentWAD@gmail.com) or call me at 608-234-4866 (daytime).

Sincerely,  
  
Jenny Buechner

I am writing to you today to voice my professional concern regarding the proposed amendment (Olsen) to SB 389. I appreciate the opportunity to share these concerns as I am a Wisconsin native and have worked diligently within the state to improve the overall competency of educational interpreters.

1. By way of background: DPI licensed interpreters undergo assessment using a test called The Educational Interpreter Performance Assessment (EIPA). I, along with Dr. Brenda Schick (University of Colorado – Boulder) authored this assessment. This test was designed to specifically evaluate the skills and relationships needed to insure quality interpretation between children and educators. It is a test which assesses an interpreter's ability to render child-signing (sign language to spoken English) and classroom instruction (spoken English to sign language). The test uses a 5 tier Likert scale to quantify overall competency. The state of WI allows interpreters scoring at a Level 3 to obtain DPI licensure.
2. It is significant to note that an EIPA Level 3 individual is NOT a competent practitioner of interpretation (again, one who is being tested for work in an academic arena). Individuals receiving these mid-range scores have widely varying skill sets and are producing interpretations, roughly, lacking 40% or better of content/intent. Of significance: This deletion of information is RANDOM. The listener would be exposed to a message much like one who would experience if they were listening to a skipping recording, cd, or dvd. The current DPI Level 3 requirement for educational interpreting competency is a whole other issue. The standard for DPI interpreters needs to be raised. The current level is one that 'got the law on the books' and was a starting place.
3. Just as children in public schools are not 'little adults,' adult consumers are not children or teens. The method of communication (register, topics, degree of interaction, degree of regard) is VASTLY different. The Registry of Interpreters for the Deaf and the National Association for the Deaf DO certify interpreters working with adult-only populations. The EIPA was created due to a significant lack of awareness regarding interpreting for children (developing language and cognition) in educational settings. Related to this, community (adult) interpreters do a much more extensive degree of sign language-to-English interpreting. This 'direction' of interpreting happens less frequently in public school settings as teachers are the ones doing the bulk of communicating. It is significant importance to also not that D/deaf children and D/deaf adults sign in distinctly different manners.
4. It appears that many who are backing this proposal feel that NOT passing the amendment would harm a D/deaf person's access to services. There is an even greater concern that comes to mind regarding this: Allowing EIPA rated interpreters to work in generalist setting is not only detrimental to D/deaf people, it is VERY detrimental to the other consumer of interpreting services. If an individual who is deaf (who might, for example, be seeing a counselor or insurance agent, and is utilizing the services of an interpreter) is mis-served by an

under-skilled interpreter, the D/deaf person misses out, but so does the hearing consumer. Placing unqualified individuals in situations such as this opens potential litigation against the agencies/agents providing services in which Deaf people are involved. This is NOT the fault of the D/deaf person. Rather, this, potentially, would be the fault of poor legal judgment regarding this issue.

5. In a parallel example: If I need healthcare from a physician, and no physician is available, I would not, typically, be treated by an LPN or RN. We have laws legislating access to services. These laws are based on practitioner competencies and are in place in order to "do no harm" to consumers engaged in said practice/interaction. If I were 'incidentally' treated, I would have follow-up services from a qualified (licensed) and appropriate practitioner. This would NOT be the case if misinterpretation were rendered. There are simply infrequent 'second chances.'

I implore you to 'do no harm' and disallow this proposed amendment. The intent behind the amendment may be good. It certainly opens our minds for ongoing discussion about dissimilar language communities and access to services. This proposed amendment, however, would do greater injustice than what appears at first glance.

With respectful regards and gratitude for your public service,

Kevin Williams

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## Cooperative Educational Service Agency 8

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### Testimony on SB 389

SB 389 promises to insure the proper licensing of sign interpreters that serve the Deaf of Wisconsin. I believe that promise is open to question. Unfortunately, as a member of the Registry of Interpreters for the Deaf with 40 years of experience, who hires educational interpreters for small, rural schools, I can tell you this bill does do two things that are not open to question.

First -- it removes a very limited communication resource Deaf folks that live away from Madison, Milwaukee and other large districts have to secure sign language interpreters for activities of daily life (scouting, sports, family activities) *A child's school interpreter might not even be able to accompany that child to the veterinarian's office to help facilitate communication.*

Second, it criminalizes an act (\$200 and 6 months in jail) for anyone in violation of section 2 of the law regardless of whether they are asked by the Deaf person or community service agency to help.

In addition, there are several other critical concerns:

1. The bill promotes a restraint of trade that leaves a significant part of the state without resources to provide interpreter services for Deaf and Hard of Hearing folks in need of assistance.
2. The bill forgets that training of folks to serve as interpreters is limited -- nearly all of the training opportunities are in the Milwaukee/Madison area.
3. The bill doesn't provide equal access to training to become certified (The national Registry requires frequent continuing education units to maintain their certificate, but offers them only in urban or suburban locales).
4. The bill sets up a potential monopoly for sign language interpreters covered in this bill.
5. The bill makes no sense of the many groups competing to certify, license and control access by Deaf and H/H folks to interpreter support, except that it will generate fee income for the state.

As a professional who has spent nearly 50 years working with Deaf children; who has lived in and around the Deaf community in three states as well as a 38 year member of the Registry of Interpreters for the Deaf with near native sign language skills, I believe I have more than a little insight into the limitations of this proposed law. Unless the above issues are dealt with, this bill will result in a loss of services for Deaf people in Wisconsin outside of the Milwaukee, Delavan, Madison corridor. I remind the legislature, that these are not the only places in the state where Deaf people chose to live and where interpreters choose to practice.

I also remind you that often a bad bill with good intentions is still a bad bill. SB 389 is such a bill. I would ask that you oppose the bill. Please feel free to call on me if I can answer questions.

Submitted by,

Dr. Bob Kellogg